



JC04 Rec'd OCT/PTO 31 OCT 2005

10/521916

PTO/SB/92 (09-04)  
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Application No. (if known): 10/521916

Attorney Docket No.: 13111-00001-US

## Certificate of Mailing under 37 CFR 1.8

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on Oct 27, 2005  
Date

Jean M. Marshall  
Signature

Jean M. Marshall

Typed or printed name of person signing Certificate

Registration Number, if applicable

(302) 658-9141  
Telephone Number

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Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected office (DO/EO/US) (2 pages)  
Copy of Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected office (DO/EO/US) (2 pages)  
Combined Declaration and Power of Attorney (5 pages)  
English Translation of Annexes to IPEA Report (3 pages)  
Fee Transmittal (1 page)  
Charge \$130.00 to deposit account 03-2775  
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JC04 REC PCT/PTO 31 OCT 2005

Docket No.: 13111-00001-US  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Markus Matuschek et al.

Conf. No.: 6155

Application No.: 10/521916

Group Art Unit: N/A

Filed: January 20, 2005

Examiner: Not Yet Assigned

For: PROCESS FOR THE BIOTRANSFORMATION  
OF CAROTENOIDS

**RESPONSE TO NOTIFICATION OF  
MISSING REQUIREMENTS UNDER 35 U.S.C. 371  
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected office (DO/EO/US) filed September 15, 2005 (enclosed herewith), Applicant respectfully submits the following:

1. Combined Declaration and Power of Attorney; and
2. English translation of the Annexes of the International Preliminary Examination Report.

Because the translation of claims 1-19 was submitted within 30 months from the priority date, no additional fee for providing a late translation under 37 CFR 1.492(i) is believed due.

The English translation of the annexes to the IPER, namely claims 1-19, were presented in the application as originally filed on January 20, 2005. They were the English language

claims 1-19, identified by "PF 0000053791" in the top margin and "M/43191" in the bottom margin. The transmittal letter identified these claims under "Other items or information" as "Amended Sheets (claims 1-19); English Translation of Amended Sheets." Also, the Certificate of Express Mailing under 37 CFR 1.10 identified the translation of claims 1-19 as present in the package mailed to the U.S. PTO under "English Translation of Amended Sheets (claims 1-19)." However, to ensure compliance, Applicants enclose another copy of the amended claims herewith.

The only fee believed due is the \$130.00 surcharge for filing the declaration. Please charge that fee to our Deposit Account No. 03-2775, under Order No. 13111-00001-US. If Applicants are mistaken and further fees are due for the filing of this paper, please also charge those fees to Deposit Account No. 03-2775, under Order No. 13111-00001-US.

Dated: *October 27, 2005*

Respectfully submitted,

By *Christine M. Hansen*

Christine M. Hansen

Registration No.: 40,634

CONNOLLY BOVE LODGE & HUTZ LLP

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<b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		<b>Complete if Known</b>	
		Application Number	10/521916
		Filing Date	January 20, 2005
		First Named Inventor	Markus Matuschek
		Examiner Name	Not Yet Assigned
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Art Unit	N/A
TOTAL AMOUNT OF PAYMENT		(\$)	130.00
		Attorney Docket No.	13111-00001-US

**METHOD OF PAYMENT** (check all that apply)

☐ Check    ☐ Credit Card    ☐ Money Order    ☐ None    ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account    Deposit Account Number: 03-2775    Deposit Account Name: Connolly Bove Lodge & Hutz LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below    ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17    ☒ Credit any overpayments

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims    Extra Claims    Fee (\$)    Fee Paid (\$)  
 \_\_\_\_\_ - = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

Multiple Dependent Claims  
Fee (\$)    Fee Paid (\$)  
 \_\_\_\_\_    \_\_\_\_\_

Indep. Claims    Extra Claims    Fee (\$)    Fee Paid (\$)  
 \_\_\_\_\_ - = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

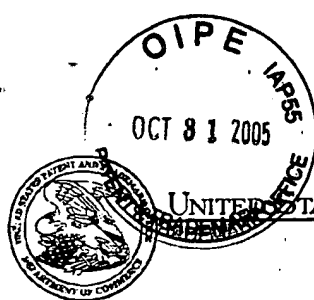
Total Sheets    Extra Sheets    Number of each additional 50 or fraction thereof    Fee (\$)    Fee Paid (\$)  
 \_\_\_\_\_ - 100 = \_\_\_\_\_ / 50 \_\_\_\_\_ (round up to a whole number) x \_\_\_\_\_ = \_\_\_\_\_

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1051 Surcharge-Late oath or declaration    130.00

<b>SUBMITTED BY</b>			
Signature	<u>Christine M. Hansen</u>	Registration No. (Attorney/Agent)	40,634
Name (Print/Type)	Christine M. Hansen	Telephone	(302) 658-9141
		Date	<u>October 27, 2005</u>



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/521,916	FIRST NAMED APPLICANT Markus Matuschek	ATTY. DOCKET NO. 13111-00001-US
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INTERNATIONAL APPLICATION NO. PCT/EP03/08199	
I.A. FILING DATE 07/25/2003	PRIORITY DATE 07/26/2002

23416  
CONNOLLY BOVE LODGE & HUTZ, LLP  
P O BOX 2207  
WILMINGTON, DE 19899

CONFIRMATION NO. 6155

371 FORMALITIES LETTER



\*OC000000017007393\*

Date Mailed: 09/15/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/20/2005
- English Translation of the IA filed on 01/20/2005
- Copy of the International Search Report filed on 01/20/2005
- Copy of IPE Report filed on 01/20/2005
- Preliminary Amendments filed on 04/29/2005
- Biochemical Sequence Diskette filed on 04/29/2005
- Biochemical Sequence Listing filed on 04/29/2005
- U.S. Basic National Fees filed on 01/20/2005
- Priority Documents filed on 01/20/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. The current translation of the application into English is defective as described below. Note a processing fee will be required if submitted later than 30 months from the priority date.
  - Since you are amending the annexes to the IPER, claims 1 to 19, I need the English translation of claims 1 to 19 to process this application.
- Processing fee for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$260** for a Large Entity:

- **\$130** Surcharge.
- **\$130** for English translation surcharge required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

#### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/521,916	PCT/EP03/08199	13111-00001-US